

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

JOHN CALDWELL,
ADC #90188

PLAINTIFF

V.

5:14CV00042 BSM/JTR

WENDY KELLEY,
Deputy Director of Health Services, ADC, et al.

DEFENDANTS

ORDER

Plaintiff, John Caldwell, has filed this *pro se* § 1983 action alleging that Defendants failed to provide him with constitutionally adequate medical care for chronic muscle wasting and arthritis. *Doc. 2*. The parties have filed several nondispositive Motions, which the Court will address separately.

I. Plaintiff's Motion for Clarification

Plaintiff asks the Court to clarify the portion of the February 27, 2014 Order certifying that an *in forma pauperis* appeal would not be taken in good faith. *Doc. 6*. The Motion is granted. That language means that based on well established 8th Circuit decisions, the Court believes an appeal of its February 27, 2014 Order would be without merit.

If Plaintiff wishes to appeal any portion of that Order, he must either pay the \$455 appellate filing fee in full or obtain permission, from the Eighth Circuit Court

of Appeals, to proceed *in forma pauperis* on appeal.

II. Plaintiff's Motion to Appoint a Medical Expert

Plaintiff asks the Court to appoint a medical expert to testify on his behalf and help him prepare his case for trial. *Doc. 9*. The *in forma pauperis* statute does not authorize the payment of Plaintiff's discovery costs or witness fees by Defendants or the Court. *See* 28 U.S.C. § 1915(d) and (f); *U.S. Marshals Serv. v. Means*, 741 F.2d 1053,1057 (8th Cir. 1984); *Lewis v. Precision Optics, Inc.*, 612 F.2d 1074 (8th Cir. 1980). Accordingly, the Motion is denied.

III. Plaintiff's Motion to Amend

Plaintiff has filed a "Motion to Amend," which is more properly characterized as a Motion for Clarification. *Doc. 14*. In that pleading, Plaintiff explains that he referred to the wrong docket numbers in his previously filed Motions. *Docs. 6 & 9*. Plaintiff's docket corrections are duly noted. Additionally, the Court will send Plaintiff a copy of the docket sheet in this case. Thus, the Motion is granted.

IV. Defendants' Motion to Depose Plaintiff

Defendants seek permission to depose Plaintiff. *Doc. 12*. The Court finds good cause for granting that request, pursuant to Fed. R. Civ. P. 30(a)(2)(B).

V. Conclusion

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's Motion for Clarification (*Doc. 6*) is GRANTED.
2. Plaintiff's Motion to Appoint a Medical Expert (*Doc. 9*) is DENIED.
3. Plaintiff's Motion to Amend, which is more properly characterized as a Motion for Clarification (*Doc. 14*), is GRANTED.
4. Defendants' Motion to Depose Plaintiff (*Doc. 12*) is GRANTED.

Dated this 8th day of April, 2014.



UNITED STATES MAGISTRATE JUDGE